

# TRADEMARK ASSIGNMENT

Electronic Version v1.1  
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SUBMISSION TYPE:	NEW ASSIGNMENT																																				
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL																																				
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**TRADEMARK**  
**REEL: 003278 FRAME: 0766**

Registration Number:	1824758	THE PACKAGE
Registration Number:	2125211	THE SENSIBLE WAY TO A BEAUTIFUL HOME!
Registration Number:	1922052	JOHN M. SMYTH'S HOMEMAKERS

# **CORRESPONDENCE DATA**

Fax Number: (212)593-5955

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: (212) 756-2388

Email: daniel.angel@srz.com

Correspondent Name: Daniel Angel, Esq.

Address Line 1: Schulte Roth & Zabel LLP

Address Line 2: 919 Third Avenue

Address Line 4: New York, NEW YORK 10022

ATTORNEY DOCKET NUMBER:	089253/0014
NAME OF SUBMITTER:	Daniel Angel, Esq.
Signature:	/beb for da/ 089253/0014
Date:	03/29/2006

## **Total Attachments: 10**

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## INTELLECTUAL PROPERTY ASSIGNMENT

December 16, 2005

This ASSIGNMENT OF INTELLECTUAL PROPERTY dated as of December 16, 2005 ("IP Assignment"), is entered into by and among LEVITZ FURNITURE CORPORATION, a Florida corporation, SEAMAN FURNITURE COMPANY, INC., a Delaware corporation, JOHN M. SMYTH COMPANY, an Illinois corporation, and LEVITZ HOME FURNISHINGS, INC., a Delaware corporation, each located at 300 Crossways Park Drive, Woodbury, New York 11797 (the "Assignors"), and PLVTZ, LLC, a Delaware limited liability company located at 623 Fifth Avenue, 32nd Floor, New York, NY 10022 (the "Assignee").

WHEREAS, each of the Assignors owns and is using certain (a) trademarks, service marks, trade names, service names, brand names, trade dress rights, logos, Internet domain names and corporate names and general intangibles of like nature, including those which are subject of registrations and applications for registration which are listed on Appendix 1 attached hereto and incorporated herein by reference (collectively, the "Trademarks"), (b) patents and applications therefor, including continuations, divisionals, continuations-in-part, or reissues of patent applications and patents issuing thereon, including those patents and patent applications which are listed on Appendix 1 attached hereto and incorporated herein by reference (the "Patents"), and (c) certain copyrights and registrations and applications therefor and works of authorship, and mask work rights, including those which are subject of registrations and applications for registration which are listed on Appendix 1 attached hereto and incorporated herein by reference (the "Copyrights"); and

WHEREAS, Assignee has agreed to purchase, acquire and accept from Assignors, and the Assignors desire to sell, transfer, convey and deliver to Assignee, all of Assignors' right, title and interest in and to the Trademarks, Patents, and Copyrights (collectively, the "Intellectual Property"), pursuant to the Asset Purchase Agreement dated as of the date hereof by and among Assignors, certain of Assignors' affiliates, Assignee and The Pride Capital Group, LLC and the Sale Order (as defined in the Asset Purchase Agreement);

NOW THEREFORE, subject to the terms and conditions of the Asset Purchase Agreement and the Sale Order (as defined in the Asset Purchase Agreement), Assignor hereby sells, transfers, conveys, and delivers to Assignee, its successors and assigns, and Assignee has agreed to purchase, acquire and accept from Assignors, all of Assignors' rights, title and interest in and to: (i) the Trademarks throughout the universe, including the registrations and applications thereof, and all goodwill symbolized by and connected with the use thereof, the right to conduct business under the Trademarks, including the right to license others the right to conduct business under the Trademarks, (ii) Patents throughout the universe, including all inventions disclosed and claimed therein, and including without limitation the subject matter of all claims which may be obtained therefrom, rights of priority under the International

Convention for the Protection of Industrial Property, the Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States adheres, (iii) the Copyrights throughout the universe, including, without limitation, the right to exercise such rights in perpetuity in all media and by any manner and means now known or hereafter devised, (iv) and all rights to sue, counterclaim, and to collect damages and payments for claims of past, present, and future infringements, unfair competition or misappropriations thereof, and all income, royalties, damages, and payments now or hereafter due or payable with respect to the Intellectual Property, for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns or other legal representatives.

Assignor agrees to execute and deliver at the request of Assignee, all papers, instruments and assignments, and to perform any other reasonable acts the Assignee may require in order to vest all of Assignor's rights, title and interest in and to the Intellectual Property in Assignee, including all documents necessary to record in the name of Assignee the assignment of the Trademarks and Patents with the United States Patent and Trademark Office and the Copyrights with the United States Copyright Office and, with respect to any equivalent foreign rights, with any other appropriate foreign or international office or registrar.

[Signature Pages to Follow]

JOHN M. SMYTH CORPORATION

By: Robert Webber, V.P.

Name: Robert Webber

Title: Vice President

LEVITZ FURNITURE CORPORATION

By: Robert Webber, Sr. V.P.

Name: Robert Webber

Title: Sr. Vice President

SEAMAN FURNITURE COMPANY, INC.

By: Robert Webber, Sr. V.P.

Name: Robert Webber

Title: Sr. Vice President

LEVITZ HOME FURNISHINGS, INC.

By: Robert Webber, Sr. V.P.

Name: Robert Webber

Title: Sr. Vice President

PLVTZ, LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

JOHN M. SMYTH CORPORATION

By: \_\_\_\_\_  
Name:  
Title:

LEVITZ FURNITURE CORPORATION

By: \_\_\_\_\_  
Name:  
Title:

SEAMAN FURNITURE COMPANY, INC.

By: \_\_\_\_\_  
Name:  
Title:

LEVITZ HOME FURNISHINGS, INC.

By: \_\_\_\_\_  
Name:  
Title:

PLVTZ, LLC

By: Michael Weiss  
Name: Michael Weiss  
Title: Treasurer and Secretary

STATE OF NEW YORK     )  
                                      ) SS.  
COUNTY OF NEW YORK    )

I, a notary public, in and for the county and state aforesaid, do hereby  
certify that ~~Robert Wehle~~, known to me to be the Sr. Vice President of LEVITZ  
FURNITURE CORPORATION and acknowledged that he signed the above and  
foregoing instrument as his free and voluntary act, on behalf of LEVITZ  
FURNITURE CORPORATION.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal  
this 16 day of December, 2005.

  
Notary Public

CHRISTINE ROMANO  
NOTARY PUBLIC, State of New York  
No. 01R06053183  
Qualified in Suffolk County  
Commission Expires January 02, 20 07

STATE OF NEW YORK     )  
                                      ) SS.  
COUNTY OF NEW YORK )

I, a notary public, in and for the county and state aforesaid, do hereby  
certify that Robert Webber, known to me to be the Sr. Vice President of  
SEAMAN FURNITURE COMPANY, INC. and acknowledged that he signed the  
above and foregoing instrument as his free and voluntary act, on behalf of  
SEAMAN FURNITURE COMPANY, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal  
this 16 day of December, 2005.

  
Notary Public

CHRISTINE ROMANO  
NOTARY PUBLIC, State of New York  
No. 01R06053183  
Qualified in Suffolk County  
Commission Expires January 02, 2007



STATE OF NEW YORK     )  
                                      ) SS.  
COUNTY OF NEW YORK    )

I, a notary public, in and for the county and state aforesaid, do hereby  
certify that Robert Weber, known to me to be the Vice President of  
JOHN M. SMYTH CORPORATION and acknowledged that he signed the above  
and foregoing instrument as his free and voluntary act, on behalf of SEAMAN  
JOHN M. SMYTH CORPORATION

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal  
this 16 day of December, 2005.

  
Notary Public

CHRISTINE ROMANO  
NOTARY PUBLIC, State of New York  
No. 01R06053183  
Qualified in Suffolk County  
Commission Expires January 02, 2007

STATE OF NEW YORK     )  
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LEVITZ HOME FURNISHINGS, INC.

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Notary Public

CHRISTINE ROMANO  
NOTARY PUBLIC, State of New York  
No. 01R06053183  
Qualified in Suffolk County  
Commission Expires January 02, 2007

## Trademarks

Registered Owner	U.S. Service Mark/ Trademark Description	Registration or Application Number (Serial No.)	Registration or Application Date (Date Filed)
Levitz Furniture Corporation	"Feel the Love"	78239632	04/18/03
Levitz Furniture Corporation	"@ My Place"	2484713	09/04/01
Levitz Furniture Corporation	"Love The Way You Live"	2422492	01/23/01
Levitz Furniture Corporation	"Rooms For Less"	1803479	11/09/93
Levitz Furniture Corporation	"Better Rooms for Less"	2386797	09/19/00
Levitz Furniture Corporation	"Levitz Coast-to-Coast Since 1910" with oval	1043146	07/06/76
Levitz Furniture Corporation	"Levitz"	0969828	10/02/73
Levitz Furniture Corporation	"You'll love it at Levitz"	76491523	02/21/03
Seaman Furniture Company, Inc.	"Seaman's Kids Furniture"	2436329	03/20/01
Seaman Furniture Company, Inc.	"Seaman's"	1798293	10/12/93
Seaman Furniture Company, Inc.	"See Seaman's First"	1816230	01/11/94
Seaman Furniture Company, Inc.	"The Package"	1824758	03/01/94
Seaman Furniture Company, Inc.	"The Sensible Way To A Beautiful Home!"	2125211	12/30/97
John M. Smyth Company	"John M. Smyth's Homemakers"	1922052	09/26/95
John M. Smyth Company	H and Design	42,798 (Illinois State Registration)	N/A
John M. Smyth Company	HOMEMAKERS and Design	42,797 (Illinois State Registration)	N/A

<b>Registered Owner</b>	<b>U.S. Service Mark/ Trademark Description</b>	<b>Registration or Application Number (Serial No.)</b>	<b>Registration or Application Date (Date Filed)</b>
John M. Smyth Company	NOT LOW PRICED FURNITURE, BUT GOOD FURNITURE AT LOW PRICES	42,799(Illinois State Registration)	N/A

#### **Patents**

<b>Registered Owner</b>	<b>Title</b>	<b>Application No.</b>	<b>Filing Date</b>
Levitz Home Furnishings, Inc.	Machine operator protective guard	10/680,333	10/7/2003

#### **Copyrights**

<b>Registered Owner</b>	<b>Title</b>	<b>Registration Number</b>	<b>Registration Date</b>
Seaman Furniture Company, Inc.	Selling at Seaman's / by Leonard G. Cacioppo.	TX2120029	6/12/1987
Seaman Furniture Company, Inc.	The Magic wand.	TX2120028	6/12/1987
Levitz Furniture Corporation & Winterstreet U. S. A./Inner Modeling, Inc. (joint registrants)	Selling for results.	PAu720006	11/1/1984

#### **Domain Names**

<b>Record Owner</b>	<b>Domain Name</b>	<b>Reg. Date</b>	<b>Expires</b>
Levitz Home Furnishings, Inc.	LEVITZ.COM	9/20/1995	9/19/2006
Levitz Home Furnishings, Inc.	LEVITZHOMEFURNISHINGS.COM	8/21/2001	8/21/2006
Levitz Home Furnishings, Inc.	LHFICORP.COM	10/29/2001	10/29/2006
Levitz Home Furnishings, Inc.	SEAMANFURNITURE.COM	11/7/2001	11/7/2006
Levitz Home Furnishings, Inc.	SEAMANS.COM	3/6/1996	3/7/2006
Levitz Home Furnishings, Inc.	SEAMANSFURNITURE.COM	8/25/1999	8/25/2006
Levitz Home Furnishings, Inc.	SEAMANSKIDS.COM	6/30/1998	6/20/2006